

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NICOT, Jerome; DENELLE, Nicole

SERIAL NO.: 10/519,120

ART UNIT: 3732

FILED: July 5, 2005

EXAMINER: Doan, R. K.

TITLE: SELF-ADHESIVE WIG FLEXIBLE ELEMENT AND WIG EQUIPPED WITH SAME

Amendment B: REMARKS

Upon entry of the present amendments, previous Claims 11 - 18 have been canceled and new Claims 19 - 24 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of more clearly distinguishing the present invention from the prior art.

In the Office Action, Claims 11 - 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nakamura patent in view of the Molinario patent and the Betrabet patent. Additionally, Claim 15 was objected because of a minor informality.

As an overview to the present reply, Applicant has amended the previous claim language in the form of new Claims 19 - 24. New independent Claim 18 incorporates the limitations of previous independent Claim 11, along with the limitations of dependent Claims 12 and 17. Additionally, Claim 19 specifies a first flexible fabric strip affixed along the inside edge of the cap at the perimeter edge "so as to extend around said cap". It is now specified that there are a plurality of second flexible fabric strips extending from the first flexible fabric strip. It is indicated that the first flexible fabric strip and the plurality of flexible fabric strips are formed of a similar elastic material. Independent Claim 19 specified that the plurality of wefts of hair are affixed to at least some of the first and second flexible fabric strips. Dependent Claims 20 - 23 correspond, respectively, to the

limitations of previous dependent Claims 13 - 16. New dependent Claim 24 corresponds to the limitations of previous dependent Claim 18.

Fundamentally, the Nakamura patent describes a wig having a shape-retaining element. The Nakamura patent does not describe the coating of the inside surface of the wig with a film of "polysiloxane". In the Nakamura patent, the shape-retaining element 12 is made of a shape-memory alloy that has a transformation temperature higher than the surrounding temperature at a location of the user's head and the wig base during a period of time in which the wig is worn on the head. As such, these strips 12 are in the form of small metal wires that conform to the shape of the head. Applicant respectfully contends that when these wires are installed, they cannot be considered "flexible fabric strips". The shape-retaining elements extend for only a small portion on particular surfaces on the inside of the wig base. They do not extend "across" the inside surface of the cap. These shape-retaining elements do not provide a surface whereby real or false hair can be attached directly thereto. The Nakamura patent does not describe a "first flexible fabric strip" affixed along the perimeter edge of the cap. Additionally, even if these wires could be considered "flexible fabric strips" they are not of the same elastic material as any fabric strip affixed along the inside surface at the perimeter edge of the cap. In contrast to the present invention, any elastic properties of the flexible element are not maintained over time. It is the purpose of these shape-retaining elements of the Nakamura patent to have a fixed structure when they are placed against the head.

The Molinario patent has a structure somewhat resembling the structure of the present invention. However, as stated in column 2, lines 5 - 15, of the Molinario patent it is stated that:

The wig cap or base 10 shown in FIG. 1 consists of a lockstitched elastic net 12 comprising wide-mesh aeration zones 14 alternating with reinforcing close-mesh or solid zones 16 and a strip

of elastic fabric or fine-mesh net 18 suitably added, for example, by means of a zig-zag stitch seam, to the edge of the elastic net 12. Fixing the elastic strip 18 to the cap 12 by a zig-zag stitch seam allows the inherent elastic characteristics of the cap 12 and of the strip 18 to be retained, so that they co-operate in effectively and comfortably gripping the head in order to hold the wig in position on the head.

As such, it can be seen that the "second flexible fabric strips" of the Molinario patent are not similar to the elastic material of the "first flexible fabric strip". There is no indication in the Molinario patent that these close mesh or solid zones 16 are of an elastic material. From the description in the Molinario patent, it appears that these solid zones are simply formed of a thread-material instead of an "elastic material". Once again, there is no teaching or suggestion in the Molinario patent that polysiloxane is applied to the inside surface of the first and second flexible fabric strips. As such, the Molinario patent does not teach the present invention, as defined by independent Claim 19 herein.

The Betrabet patent describes a polysiloxane composition. However, the polysiloxane composition is configured for use as a sanitary napkin. This is quite different than the "wig assembly" of the present invention. Applicant respectfully contends that there is no teaching or suggestion of the combination of teachings of the Nakamura and Molinario patents with those of the Betrabet patent. Quite clearly, the Nakamura patent has a wire affixed to the inside surface of the wig base. The Molinario patent teaches the use of a close mesh threaded material. Since the wire of the Nakamura patent and the close mesh threaded material of the Molinario patent conform to the head of the user, there would be no reason to apply the polysiloxane adhesive to such materials. Quite clearly, the combination of the Nakamura patent with the Molinario patent and the Betrabet patent would not describe the use of the first flexible fabric strip being of the same elastic material

as the other fabric strips. On this basis, Applicant respectfully contends that the combination of these prior art patents neither teach nor suggest the present invention as defined by independent Claim 19.

Relative to dependent Claim 21, Applicant respectfully contends that there is no teaching in these prior art patents that the films of polysiloxane have a weight of between 100 and 200 g/m². Also, with respect to dependent Claims 22 and 23, the prior art combination fails to describe "a single-component polysiloxane" or a "solvent-free polysiloxane".

Applicant has corrected the typographical error found in previous Claim 15 (corresponding to dependent Claim 22 herein).

Based upon the foregoing analysis, Applicant contends that independent Claim 19 is now in proper condition for allowance. Additionally, those claims which are dependent upon independent Claim 18 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

March 3, 2008	/Andrew W. Chu/
Date	John S. Egbert; Reg. No. 30,627
	Andrew W. Chu; Reg. No. 46,625
Customer No. 24106	Egbert Law Offices
	412 Main Street, 7th Floor
	Houston, Texas 77002
	(713)224-8080
	(713)223-4873 fax